



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF THE INSPECTOR GENERAL

Bill J. Crouch  
Cabinet Secretary

Board of Review  
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Sheila Lee  
Interim Inspector General

October 25, 2022

[REDACTED]

RE: [REDACTED] v. WVDHHR  
ACTION NO.: 22-BOR-2103

Dear [REDACTED]:

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter. In arriving at a decision, the Board of Review is governed by the Public Welfare Laws of West Virginia and the rules and regulations established by the Department of Health and Human Resources. These same laws and regulations are used in all cases to assure that all persons are treated alike.

You will find attached an explanation of possible actions that may be taken if you disagree with the decision reached in this matter.

Sincerely,

Tara B. Thompson, MLS  
State Hearing Officer  
State Board of Review

Enclosure: Appellant's Recourse  
Form IG-BR-29

CC: Patricia Lucente, [REDACTED] DHHR

**WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
BOARD OF REVIEW**

██████████,

**Appellant,**

v.

**ACTION NO.: 22-BOR-2103**

**WEST VIRGINIA DEPARTMENT OF  
HEALTH AND HUMAN RESOURCES,**

**Respondent.**

**DECISION OF STATE HEARING OFFICER**

**INTRODUCTION**

This is the decision of the State Hearing Officer resulting from a fair hearing for ██████████. This hearing was held in accordance with the provisions of Chapter 700 of the West Virginia Department of Health and Human Resources' (DHHR) Common Chapters Manual. This fair hearing was convened on October 4, 2022 on an appeal filed with the Board of Review on September 8, 2022.

The matter before the Hearing Officer arises from the Respondent's August 17, 2022 decision to reduce the amount of the Appellant's Supplemental Nutrition Assistance Program (SNAP) monthly allotment.

At the hearing, the Respondent appeared by Patricia Lucente, ██████████ DHHR. The Appellant appeared *pro se*. All witnesses were sworn in and the following exhibits were entered as evidence.

**Department's Exhibits:**

- D-1 Hearing Summary
- D-2 Notice of Decision, dated July 12, 2022
- D-3 Case Comments, dated July 11, 2022 through August 16, 2022
- D-4 Notice of Work Requirements, dated June 3, 2022
- D-5 West Virginia Income Maintenance Manual (WVIMM) § 14.5

**Appellant's Exhibits:**

None

After a review of the record — including testimony, exhibits, and stipulations admitted into

evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the following Findings of Fact are set forth.

### **FINDINGS OF FACT**

- 1) The Appellant was a recipient of Supplemental Nutrition Assistance Program (SNAP) benefits for a two-person Assistance Group (AG).
- 2) On August 17, 2022, the Respondent issued a notice advising the Appellant her AG's monthly SNAP benefit allotment would decrease from \$331 to \$20.
- 3) The August 17, 2022 notice provided multiple reasons for the SNAP monthly allotment reduction, including a reduction of the number of people receiving the SNAP benefit because the Appellant failed to register with WorkForce West Virginia (hereafter, WorkForce).
- 4) On June 3, 2022, the Respondent issued a notice advising the Appellant she must register with WorkForce and contact the Respondent to report her registration by July 2, 2022 (Exhibit D-4).
- 5) The June 3, 2022 notice instructs that the Appellant may complete WorkForce registration online or by telephone (Exhibit D-4).
- 6) The notice states, "Call us as soon as possible at 1-877-716-1212 if you think you have a good reason for not following these Basic Work Rules." (Exhibit D-4).
- 7) The Appellant called WorkForce and the Respondent's worker on June 23, 2022.
- 8) On July 11, 2022, the Respondent verified that the Appellant had not completed her registration with WorkForce (Exhibit D-2).
- 9) On July 12, 2022, the Respondent issued a notice to the Appellant advising that a SNAP work requirement penalty had been applied to the Appellant's SNAP eligibility because she failed to register with WorkForce (Exhibit D-2).
- 10) The July 12, 2022 notice advised the Appellant she would be ineligible for SNAP benefits for three months or until compliance, whichever is longer, pursuant to West Virginia Income Maintenance Manual Policy §§ 14.3 and 14.5 (Exhibit D-2).
- 11) The SNAP benefit ineligibility penalty began August 1, 2022. (Exhibit D-3).
- 12) On August 2, 2022, the Appellant registered with WorkForce (Exhibit D-3).
- 13) On August 2, 2022, the Appellant submitted an application for SNAP eligibility.

## **APPLICABLE POLICY**

**West Virginia Income Maintenance Manual (WVIMM) § 14.3.1.A provides in pertinent part:**

All individuals must register for employment with WorkForce West Virginia within 30 days of the date of the original approval, unless exempt. Clients must register every 12 months thereafter. A client who fails to comply by the due date established on the notice to register is subject to a SNAP penalty and the Worker must send an adverse action notice.

The penalty is not imposed, and any lost benefits are restored if, before the end of the month in which the adverse notice expires, the following occurs:

- The client registers; and
- The client notifies the DHHR that he has registered.

**WVIMM §§ 14.2, 14.2.1.A provide in pertinent parts:**

Unless an exemption is established, all SNAP clients are subject to a work requirement — including completing registration with WorkForce West Virginia.

**WVIMM §§ 1.4.12.A and 3.2.1.B.8 provide in pertinent parts:**

Individuals who have not complied with a SNAP work requirement may be ineligible for a specified time. The Worker must determine if any AG member is still subject to a penalty. See Chapter 14.

The SNAP AG cannot include persons who have been penalized for failure to comply with SNAP work requirements as found in Chapter 14, even when living with others not affected by the penalty.

**WVIMM § 14.5 provides in pertinent parts:**

A SNAP penalty is imposed when clients do not comply with a work requirement and do not have good cause.

## **DISCUSSION**

The Respondent imposed a SNAP ineligibility penalty and reduced the Appellant's SNAP benefits, effective August 1, 2022. The Appellant contested the Respondent's SNAP benefit reduction and implementation of a SNAP ineligibility penalty. The Respondent had to prove by a preponderance of the evidence that the Appellant failed to register with WorkForce and notify the Respondent of her registration by the required date. No evidence was entered to establish that the Appellant met an exemption from the SNAP work requirement.

The Appellant was required to register with WorkForce by July 2, 2022. The Appellant testified she received the June 3, 2022 notice that notified her of her registration requirements. The notice reflected multiple reasons for the SNAP allotment amount reduction. The Appellant only contested the reduced number of SNAP benefit recipients based on the Appellant's failure to register with WorkForce.

The Appellant testified that she did not have internet access to register online or telephone service where she resides. The Appellant argued that she attempted phone contact with WorkForce when she was able to travel into cellular service but was unable to register due to not being able to get through to WorkForce. During the hearing, the Appellant testified she tried to contact WorkForce by phone in June 2022. Specifically, she testified she called three times on June 23, 2022 and then completed her registration by telephone on August 2, 2022. The Appellant testified that she contacted the local DHHR on June 23, 2022 and advised the worker of her barriers. The Appellant did not provide any testimony to indicate she attempted to complete her registration between June 23, 2022 and August 2, 2022.

The Respondent's representative testified that the Respondent had system-related barriers at the time the Appellant completed her August 2, 2022 SNAP eligibility re-application. The case comments corroborated that SNAP application interviews were waived due to the Respondent's system error. The Respondent's representative testified that she contacted WorkForce to determine if there were system related barriers preventing the Appellant's registration and was advised that the system was available for registration online and telephone during the Appellant's required registration period. The preponderance of evidence was not sufficient to establish that WorkForce had system-related issues in June and July 2022 that prevented the Appellant from completing her WorkForce registration online or by telephone.

The Respondent's notice provided the Appellant with sufficient time to comply with the WorkForce registration requirements. Further, the notice provided the Appellant with an alternate toll-free telephone number to call if she needed to establish good cause for not complying with her WorkForce registration requirements. No evidence was entered to demonstrate that the Appellant contacted the alternate toll-free telephone number provided on the notice to establish good cause for not complying with WorkForce registration requirements. The preponderance of the evidence demonstrated that the Appellant failed to complete her WorkForce registration before the onset of the SNAP ineligibility penalty.

### **CONCLUSIONS OF LAW**

- 1) The Appellant was required to register with WorkForce and notify the Respondent of her registration by July 2, 2022.
- 2) The Appellant did not register with WorkForce until August 2, 2022.
- 3) The preponderance of evidence verified that the Respondent correctly applied a SNAP ineligibility penalty due to the Appellant's failure to register with WorkForce as required by the policy.

- 4) The Respondent correctly reduced the amount of the Appellant's AG's monthly SNAP benefit allotment based on a SNAP ineligibility penalty being applied to the Appellant.

### **DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to reduce the amount of the Appellant's Assistance Group's monthly SNAP benefit allotment.

ENTERED this 25<sup>th</sup> day of October 2022.

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**Tara B. Thompson, MLS**  
State Hearing Officer